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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,019	12/08/2003	William C. Erbey	026083-00005	8850
4372	7590	08/20/2007		
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3693	
			MAIL DATE	DELIVERY MODE
			08/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/729,019	<b>Applicant(s)</b> ERBEY ET AL.	
	<b>Examiner</b> JAGDISH PATEL	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-46 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,20 and 34-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 13-19 and 21-33 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 5/29/07.

#### ***Response to Amendment***

2. Claims 1, 34, and 35 have been amended and new claim 46 has been added. Claims 1, 3-12, 20, 34-46 are currently under examination.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejections.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1, 3-12, 20, 34-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kimball in view of Enzweiler as analyzed in previous office action (see communication dated 2/27/07) and further in view of **Heimermann (US Pat. 7110976)**.

Kimball inherently teaches creating a budget for a transaction, the budget including a total price and at least one line item, each line item including an approved work order price; (see p.2 “budget broken down by line items” and “purchase orders, work orders and various forms of contracts”. Note also that each line item of a budget pertains to expense pertaining to a specific work order). Kimball also teaches verifying the budget and approving budget (see p.2 “budget is approved”. “adjustments to the budget” suggests the verification process). Kimball further teaches creation of work order for each line item, each work order specifying a vendor to complete the work order (see p. 3 see “commitment” and “party to whom the commitment is owed.”).

Kimball, fails to teach however, Enzweiler in the same field of endeavor teaches : creating a work order relating to automated commerce for each line item, each work order specifying a vendor to complete the work order; transmitting the work order to the vendor electronically; receiving invoice information from the vendor, the invoice information being received in response to the transmitted work order and including an invoiced price; approving, the invoiced price upon verifying that the invoiced price is within the approved work order price or a preset coverage tolerance and initiating payment of the approved invoice price to the vendor.

(refer to details of work flow technology as quoted below and other details disclosed in the reference pertaining to work order and invoice processing).

(Workflow technology uses the network to automate transaction flows. Transactions can be captured at the source and routed automatically to any person or business unit on the network. For example, a purchase requisition can be input by the business unit manager, routed for approvals, and then sent to purchasing. An electronic copy of the purchase order can be sent to the vendor via electronic data interchange (EDI) and to accounts payable for matching. An

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electronic copy of the receiving report also can be sent to accounts payable for matching. The entire transaction flow takes place via the network, and no paper copy exists.).

It would have been obvious to one of ordinary skill in the art to combine teachings of Business Wire and Enzweiler to an integrated budgeting and work-order and invoice processing computerized method which would improve efficiency of budget line item processing including work order and invoice process.

Kimball in view of Enzweiler does not teach automatically performing the steps of approving budget, creating work order, approving the invoiced price and initiating payment as set forth in claim 1.

However, as exemplified by Heimermann (US Pat. 7110976) the technique of automating business functions such as those listed above and recited in claim 1 was recognized as part of the ordinary capabilities of the one skilled in the art and therefore the claimed features when viewed in combination with the prior art of Kimball in view of Enzweiler would be obvious to one of ordinary skill in the art at the time of invention (DANN v. JOHNSTON, 425 U.S. 219 (1976) 425 U.S. 219) to improve the work flow of recited business process.

It is also asserted, based on **Heimermann** that, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of automatically approving the budget gives you just what you would expect from the manual step as shown in the cited reference of Kimball. In other words there is no enhancement found in the claimed step.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the approving budget, creating work order, approving the invoiced price and initiating payment steps because this would speed up the process of performing commerce as recited in claim 1, which is purely known, and an expected result from automation of what is known in the art.

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7. Regarding claims 3-12 official notice is taken that various elements recited in the instant claims are old and well known in the art. For example, budget approval by a designated manager, using a workflow is old and well known in the art. In many organizations, such approval of the budget by more than one manager in a hierarchical organization is required. Likewise, receiving confirmation of the invoiced item by a vendor of a modified price is old and well known practice in commerce. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature as per the requirement of organization implementing the budget and invoice processing in order to conform to the applicable rules and procedures.

8. Claim 20 refers to various methods of initiating payment to the vendor. The examiner takes official notice that batch posting a payment is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention because batch posting would permit posting any number of payments at once thereby reducing work load and improving efficiency.

9. All limitations of claims 34 and 35 correspond to method claim 1. Note that in view of the applied references within computerized art the limitations of claim 34 are inherently considered. No separate analysis therefore is deemed necessary since claim 34 is a treated as product to practice invention of claim 1.

10. Regarding claims 36-45, the examiner takes official notice that housing a processor in a terminal (a PC, a minicomputer, etc.) or having the terminal connected to the network are old and well-known features in the client-server communication field. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement various features as deemed appropriate and based upon the business requirement of the entity operating the processor and based upon perceived improvement in the functionality of the system.

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11. Newly added claim 46 recites selecting a vendor automatically. As discussed in claim 1 analysis, Kimball does not explicitly teach automatically selecting a vendor. However, as noted *supra*, in detail such process would have been within the skill of the ordinary skill of the art. Please refer to details in claim 1 analysis.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

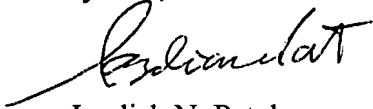
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jagdish N. Patel', is written over the printed name.

Jagdish N. Patel

(Primary Examiner, AU 3693)

8/16/07